REMARKS

Claims 1-7, as amended, are pending in this application. Claim 1 has been amended to clarify the subject matter that the Applicant considers to be the invention. Applicants have further provided remarks that explain some of the differences between the reference cited by the Examiner and the present invention. As no new matter has been added, Applicants respectfully request entry of the amendments at this time.

OBJECTIONS TO THE CLAIMS

At page 2 of the Office Action, the Examiner objected to the claims because of several formalities. In particular, the Examiner that the letters "a" through "d" designating the steps in the claimed method be deleted. As shown above, Applicants have amended claim 1 in the manner requested by the Examiner. In light of these amendments, Applicants submit that the Examiner's objections have been overcome. Reconsideration and withdrawal of the objections is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 112

The Rejections Under 35 U.S.C. § 112(2)

At pages 3-4 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 112(2) as being indefinite. In particular, the Examiner contends that the following features recited in claim 1 render the claim indefinite: (i) using the identifier to the at least one row of the detail table and that does not include the join; and (ii) processing the revised SQL statement that does not refer to the master table instead of the SQL statement that includes the join. These two statements, the Examiner believes, "render the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent, rather than distinctly and particularly pointing out what they did invent." *See* Office Action at page 3. Applicants respectfully disagree.

As shown above, Applicants have amended claim 1 to clarify the features of the present invention. In particular, claim 1 has been amended to clarify that the revised SQL statement does not include the join. In addition, claim 1 has also been amended to clarify that the revised SQL statement refers only to the detail table. These amendments clarify one embodiment of the present invention, *i.e.*, that the revised SQL statement is processed, rather than the SQL statement that includes the join.

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In light of these amendments, Applicants submit that the Examiner's § 112 rejections are moot. Reconsideration and withdrawal of the rejections is respectfully requested.

The Rejections Under 35 U.S.C. § 112(1)

At pages 4-5 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 112(1) as failing to comply with the written description requirement. In light of the amendments to the claims shown above, and the discussion with respect to Applicants traversal of the § 112(2) rejections, Applicants submit that claims 1-7 are fully supported by the written description of the present invention. *See, e.g.,* Written Description at page 4, line 34 - page 5, line 6. Accordingly, reconsideration and withdrawal of the § 112 (1) rejection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 101

At pages 5-6 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner stated that the body of claim 1 does not appear to support the preamble by including steps that rewrite a SQL statement. Applicants submit, however, that the amendments to the claims shown above render the rejection moot because claim 1 now properly recites steps that accomplish the rewriting of the SQL statement. In addition, out of an abundance of caution, Applicants have also amended claim 1 to clarify that one embodiment of the present invention is a computer-implemented method of rewriting an SQL statement.

The Examiner also rejected claim 7 under § 101, stating that it is directed to an abstract idea. Applicants submit, however, that claim 7 does, in fact, produce a tangible result. That is, the result of claim 7 is to rewrite an SQL query according to the steps recited in claim 1. Claim 7 merely serves to specify that one embodiment of the present invention comprises a computer program product that includes program code means that are stored on a computer readable medium. Thus, claims 7 specifies that, when implemented on a computer, the steps of claim 1 may be implemented using a computer program product.

In light of the amendments to the claims, and for the reasons stated above, Applicants submit that the Examiner's § 101 rejections have been overcome. Reconsideration and withdrawal of the rejections is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 102(b)

At pages 8-9 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,761,654 to Tow. ("Tow"). Applicants submit that Tow does not teach the present invention for the reasons that follow.

Tow discloses a method of constructing an aid to tuning of database statements using a data structure to compactly represent the information needed about a database statement to determine the optimal series of operations needed to execute the statement. See Abstract. The information includes the relationships between table joined in the statement. *Id.*

In particular, Tow discloses rewriting a query including a selective filter that would be expected to return only a very small percentage of the rows. The "SQL query is restructured so that the table-B filter will be executed first by the search program. That means that a very high percentage of rows will be eliminated from the join statement at the outset" *See* Tow at col. 9, lines 32-36. This statement of Tow makes it clear that the join statement is not eliminated. Rather, it is clear that the restructured SQL query still includes the join statement, but that rows have been eliminated from the join statement.

By contrast, the present invention, according to claim 1, requires producing a revised SQL statement that only refers to the detail table using the identifier to the at least one row of the detail table and that does not include the join. Thus, the present invention requires not just the elimination of rows from the join statement, but the production of an SQL statement that does not include the join at all. Further, the present invention, according to claim 1, requires processing the revised SQL statement that <u>refers only to the detail table</u>, instead of the SQL statement that includes the join. Tow does not disclose or suggest this. For example, Tow discloses "(2) selecting one of the tables specified in the join statement for filtering as the fist table data fetch to be executed" (the processing discussed in the previous paragraph, then, "(3) "driving" through the query-diagram data structure. automatically or semiautomatically beginning with the selected table and thereafter traversing through the data structure in an organized manner, to determine an appropriate order in which <u>the remainder of the join statement should be executed</u>." (Emphasis added) *See* Tow at col. 6, lines 16-24. Thus, Tow clearly discloses executing the join statement, which is contrary to the requirements of claim 1.

In sum, claim 1 has been amended to clarify the features of the present invention. In particular, claim 1 has been amended to clarify that <u>the revised SQL statement does not include a</u>

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join. Additionally, claim 1 has been amended to clarify that the revised SQL statement that is processed <u>only refers to the detail table</u>. Further, one embodiment of the present invention <u>does not process the SQL statement that includes the join</u>. These features of the present invention are not taught by Tow.

Therefore, Applicants submit that claim 1, and claims 2-7, which depend therefrom, are not anticipated by Tow, because Tow does not disclose all required elements of claim 1. Reconsideration and allowance of the pending claims is respectfully requested.
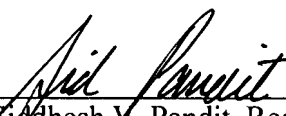
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CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments and remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith extending the time for response three months to and including September 10, 2007. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to BINGHAM McCUTCHEN LLP Deposit Account No. 50-4047, Order No. 19111.0127.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: __September 10, 2007__   By: _____

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